

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
Revision of the Commission's Rules to Ensure)
Compatibility with Enhanced 911 Emergency) CC Docket 94-102
Calling Systems)
AT&T Wireless Services, Inc., Request for)
Waiver of the E911 Phase II Location Technology)
Implementation Rules)

ORDER

Adopted: July 2, 2002

Released: July 3, 2002

By the Chief, Wireless Telecommunications Bureau:

1. In this order, we dismiss as moot AT&T Wireless Services, Inc. (AT&T Wireless)'s petition for a waiver of the enhanced 911 (E911) Phase II provisions of section 20.18 of the Commission's rules with respect to its Time Division Multiple Access (TDMA) or TDMA/Advanced Mobile Phone Service (AMPS) network. As discussed below, the petition is rendered moot by the order approving a consent decree adopted on June 12, 2002 by the Commission.

2. On April 4, 2001, AT&T Wireless requested a waiver of the Commission's E911 Phase II rules to permit it to deploy Enhanced Observed Time Difference of Arrival (E-OTD) technology throughout its Global System for Mobile Communications (GSM) air interface network and a switch-based technology called Mobile-Assisted Network Location System (MNLS) for its TDMA network. On September 17, 2001, AT&T Wireless filed a letter that substantially modified its waiver request with respect to its TDMA network. In lieu of implementing MNLS as its E911 Phase II solution for its TDMA network, AT&T Wireless sought permission to deploy either TruePosition's or Grayson Wireless's network overlay technology.

1 See 47 C.F.R. § 20.18.

2 AT&T Wireless Services, Inc., Request for Waiver of the E911 Phase II Location Technology Implementation Rules, CC Docket No. 94-102 (filed April 4, 2001) (AT&T Waiver Request).

3 In the Matter of AT&T Wireless Services, Inc., File No. EB-02-TS-002, Order, FCC 02-174 (rel. June 18, 2002) (AT&T Wireless Consent Decree Order).

4 See AT&T Waiver Request.

5 Letter from Douglas I. Brandon, Vice President - External Affairs & Law, AT&T Wireless Services, Inc. to Thomas Sugrue, Chief, Wireless Telecommunications Bureau, Federal Communications Commission, CC Docket No. 94-102, filed September 17, 2001.

6 Id.

3. On October 2, 2001, the Commission adopted an order approving AT&T Wireless's request, subject to certain conditions, to deploy E-OTD technology for locating 911 callers throughout its new GSM/General Packet Radio Service (GPRS) network.⁷ The lateness of AT&T Wireless's modification of its compliance plan for the TDMA portion of its network, however, precluded timely Commission consideration of that modification. Accordingly, discussions were initiated between AT&T Wireless and the Commission's Enforcement Bureau concerning a possible consent decree to resolve the outstanding issue of compliance with the E911 Phase II provisions of section 20.18 of the Commission's rules for AT&T Wireless's TDMA and TDMA/AMPS networks.⁸

4. On June 12, 2002, the Commission adopted an order approving a consent decree between the Commission and AT&T Wireless terminating the investigation into AT&T Wireless's compliance with section 20.18 with respect to its TDMA and TDMA/AMPS networks.⁹ The consent decree resolves all outstanding issues related to AT&T Wireless's deployment of E911 Phase II for its TDMA and TDMA/AMPS networks and sets a specific schedule for compliance with the E911 Phase II rules.¹⁰ Therefore, there is no aspect of AT&T Wireless's waiver request filed on April 4, 2001 that requires further consideration by the Commission.

5. Accordingly, IT IS ORDERED THAT, pursuant to Sections 4(i) and 5(c) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 155(c), and the authority delegated pursuant to sections 0.131 and 0.331 of the Commission's rules, 47 C.F.R. §§ 0.131, 0.331, the AT&T Wireless petition for waiver of section 20.18 with respect to its TDMA and TDMA/AMPS networks is DISMISSED AS MOOT.

FEDERAL COMMUNICATIONS COMMISSION

Thomas J. Sugrue
Chief, Wireless Telecommunications Bureau

⁷ *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Request for Waiver by AT&T Wireless Services, Inc.*, CC Docket No. 94-102, Order, 16 FCC 18253 (2001) (*AT&T Wireless GSM Waiver Order*). On February 1, 2002, AT&T Wireless filed a request for limited modification of the implementation plan approved in its E911 Phase II waiver order for its GSM network. *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, AT&T Wireless Services, Inc. Request for Limited Modification of E911 Phase II Waiver*, CC Docket 94-102 (filed February 1, 2002).

⁸ *AT&T Wireless GSM Waiver Order* at para. 11.

⁹ *AT&T Wireless Consent Decree Order*.

¹⁰ *Id.*